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PRESS RELEASE

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FOUR INDICTED FOR MS-13 GANG ACTIVITIES

- Charges Stem From Home Invasion, Obstruction of Justice -

WASHINGTON – Three alleged members and associates of the MS-13 gang have been indicted for various violent crimes stemming from a home invasion last year in the District of Columbia in which several persons were held at gunpoint. A fourth alleged member has been indicted for subsequent efforts to threaten potential witnesses in the case.

The indictment was returned Thursday, Sept. 16, 2010 in the U.S. District Court for the District of Columbia and announced by Assistant Attorney General Lanny A. Breuer of the Criminal Division, U.S. Immigration and Customs Enforcement (ICE) Director John Morton, U.S. Attorney Ronald C. Machen Jr., John P. Torres, Special Agent in Charge of the Washington Office of U.S. Immigration and Customs Enforcement (ICE) Office of Homeland Security Investigations (HSI) and Cathy L. Lanier, chief of the Metropolitan Police Department (MPD).

The indictment names Carlos M. Silva, Omar R. Aguilar, Wilfredo Mejia and Henry Sarba. The defendants previously were charged in the Superior Court of the District of Columbia, based on an investigation by ICE agents and MPD. The indictment broadens the case to reflect the serious nature of the violent gang activity that is represented in the new charges and effectively transfers the case to the U.S. District Court.

According to the indictment, Silva, Aguilar and Mejia, “for the purpose of gaining entrance to and maintaining and increasing position in MS-13,” invaded an apartment in Washington, D.C. on Dec. 11, 2009 and held five occupants at gunpoint. The indictment alleges that the purpose of the invasion was an apparent effort to steal funds from the victims to support the gang’s activities. According to the indictment, a female occupant was sexually assaulted during the attack.

Silva, 28, Aguilar 20, and Mejia, 25, subsequently were arrested and originally charged in D.C. Superior Court. Sarba, 20, allegedly began calling potential witnesses sometime after the arrests and made threats.

The indictment charges Silva, Aguilar and Mejia with kidnapping in aid of racketeering, assault with a deadly weapon in aid of racketeering, weapons offenses, and other charges. Silva also is charged with assault with intent to commit first degree sexual abuse while armed and third degree sexual abuse. Sarba was indicted on charges including accessory after the fact, obstructing justice and threatening to injure or kidnap a person.

The indictment states that MS-13 is a racketeering enterprise that constitutes one of the largest street gangs in the United States. MS-13 is a national and international criminal organization, and its members have been found responsible for murders, narcotics distribution and other crimes, the indictment states.

The charges carry significant penalties. The statutory penalty for kidnapping in aid of racketeering, for example is 30 years.

“Investigating and prosecuting violent gangs is among the highest priorities of the Department of Justice,” said Assistant Attorney General Breuer. “We will not allow violent criminal organizations like MS-13 to terrorize our neighborhoods and communities. The Criminal Division is committed to working with its law enforcement partners to ensure that members of these organizations are brought to justice.”

“MS-13 is an extremely violent criminal organization that operates in at least 20 states and the District of Columbia, as well as in Mexico, Honduras, Guatemala and El Salvador,” U.S. Attorney Machen stated. “This indictment shows our determination to dismantle MS-13 and other violent gangs that threaten our community. I would like to commend the hard-working men and women who worked on this case, particularly the agents from Immigration and Customs Enforcement and the members of the Metropolitan Police Department.”

“This indictment demonstrates the resolve of Homeland Security Investigations to aggressively pursue transnational criminal gangs like MS-13,” said ICE Director Morton. “We will work with our law enforcement partners to make our communities safer by targeting criminal gang members for prosecution.”

“This is the third major indictment in the last week that has involved gangs or drugs,” said MPD Chief Lanier. “The message to gang members and other criminals should be clear. We will not tolerate this violence and intimidation in our city.”

This case is being prosecuted by Trial Attorney Laura Gwinn of the Criminal Division’s Gang Unit and Assistant U.S. Attorneys Bill O’Malley, Seth Adam Meinero and Allison Barlotta. It is part of broader efforts by the Department of Justice to aggressively prosecute the most dangerous and violent gangs in the country.

The charges filed in this case are merely allegations that the defendants have committed a violation of criminal law and are not evidence of guilt. Every defendant is presumed innocent until, and unless, proven guilty.

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